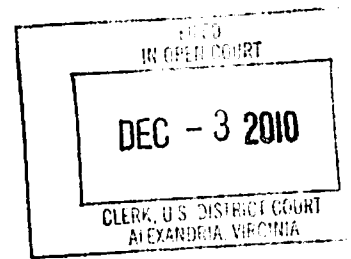


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

JOSHUA BEHROUZ NABATKHORIAN,

Defendant.

CRIMINAL NO. 1:10-CR-313

STATEMENT OF FACTS

The United States and the defendant, JOSHUA BEHROUZ NABATKHORIAN ("NABATKHORIAN"), agree that had this matter proceeded to trial, the United States would have proven the facts set forth in this statement of facts beyond a reasonable doubt.

1. From on or about October 26, 2009 through on or about November 4, 2009, NABATKHORIAN, using a cellular telephone, which is facility or means of interstate commerce, sent at least 26 text messages as part of an exchange of messages with a 13-year-old girl, who was a family friend ("victim"), in an attempt to persuade, induce entice, and coerce the minor girl to engage in sexual activity with NABATKHORIAN.
2. During this exchange of messages, NABATKHORIAN referred to the victim as "[m]y beautiful slave," "a wild girl," "my darling," "sweet heart," "beautiful smart wild dicycle," "slave," and "loyal dicycle."
3. In addition, NABATKHORIAN stated in these messages, "U must obey all my command. Deal?!", "I think u need some tamming very bad. Maybe a few love pinch." He texted that an upcoming party was "an excellent oqortunity 4 u to repent 4 all your

sins,” and that he had something he needed “to tel u in person !” The victim would be “supper happy,” and it would be a “[s]urprise. U and me alone.,.”

4. On or about November 4, 2009, the 13-year-old victim stopped responding to NABATKHORIAN’s messages. On or about November 7, 2009, the victim’s mother found the messages on the victim’s phone and notified the Fairfax County Police Department. The mother gave the Fairfax Police consent to use the victim’s phone and take over her online persona. NABATKHORIAN continued to send more than a dozen messages to the victim’s phone from on or about November 5, 2009 through on or about November 12, 2009 despite no responses from the victim.
5. From on or about November 12, 2009 until on or about November 17, 2009, NABATKHORIAN communicated via cellular phone text messages, email, and online instant messages with a detective from the Fairfax County Police department, who was in an undercover capacity and posing as the 13-year-old victim. NABATKHORIAN used these facilities and means of interstate commerce to attempt to persuade, induce, entice, and coerce the victim to engage in sexual activity with NABATKHORIAN in violation of Virginia Laws, at all times believing that he was still speaking to the 13-year-old girl.
6. On or about November 13, 2009, NABATKHORIAN wrote that he believed that the victim was mature for her age, that talking with her was like talking to an 18-year-old, and that the victim reminded NABATKHORIAN of an old girlfriend. When asked what NABATKHORIAN was going to teach the victim, he replied “TO LOVE AND LET BE LOVED NOT TO BE SCARED NEW THINGS AND DO NOT OUR AGE DIFFERENCE MEAN ANYTHING TO COME BETWEEN US. we need to spend some time alone together or go ona short trip that is the best way to each one to one ...”

7. On or about November 13, 2009, NABATKHORIAN acknowledged being aware that the victim was only 13 years old. NABATKHORIAN stated that he wanted the victim to be his girlfriend. He also stated “i am alone can i come to your house see you now i really really really miss you love joshua.”
8. On or about November 13, 2009, NABATKHORIAN stated “DO NOT BE SCARED AT ALL AS LONG AS WE ARE VERY CAREFULL.REMEMBER I TOLD YOU AS OF ONE OF MY LESSON; DO NOT TRUST ANYBODY EVEN YOUR BEST FRIENDS ETCC THIS IS OUR SECRET LOVE....YOU WILL GROW WITH ME TO BE A LADY AND CARRY BEST MEMORY WITH ME ALL YOUR LIFE I GAURANTEE.” NABATKHORIAN continued by saying “I FEEL LIKE KISSING YOU ALL OVER YOUR BEAUTIFUL SUPERB GORGES BODY YOUR ARE MY GODDESS I WORSHIP YOU.” NABATKHORIAN also said “i wish i could hug you and kiss you thousands time tonight...”
9. On more than a dozen occasions between on or about November 12, 2009 and on or about November 15, 2009, NABATKHORIAN asked about getting together alone with the 13-year-old victim.
10. On or about November 15, 2009, NABATKHORIAN discussed things that he wanted to do with the victim when they were alone together, including hugging, kissing, and French kissing. NABATKHORIAN expressed that his “highest desire” was to make love to the victim. He later discussed teaching various sexual activities to the victim, including oral-genital sex and anal sex.
11. On or about November 15, 2009, NABATKHORIAN engaged in a chat session with the undercover officer who was posing as the 13-year-old victim. The undercover officer

explained that the 13-year-old victim was at her grandmother's house in Maine.

NABATKHORIAN knowingly attempted to persuade, induce, entice, and coerce the 13-year-old victim to meet him at a shopping center near the victim's residence in Fairfax, Virginia, within the Eastern District of Virginia. NABATKHORIAN intended to take the victim to an apartment for the purpose of engaging in sexual conduct with the 13-year-old victim in violation of Virginia law. NABATKHORIAN and the undercover officer, posing as the victim, agreed to meet at 1:00 p.m. on Tuesday November 17, 2009 at a shopping center near the victim's house.

12. On or about November 16, 2009, NABATKHORIAN reserved a room at the Ritz Carlton Hotel in Pentagon City for the night of November 17, 2009. On the reservation, NABATKHROIAN requested a red rose on the pillow, chocolate-covered strawberries, and champagne in the room. NABATKHORIAN later sent a message to the victim explaining that he had booked a hotel room for their meeting because the apartment would not be available.

13. On or about November 16, 2009, during a chat session the undercover officer, posing as the 13-year-old victim, asked NABATKHORIAN to explain what he wanted to do when they were alone together. NABATKHORIAN then discussed sexual positions that he wished to perform with the victim during their meeting. "#1. [REDACTED]

[REDACTED]

[REDACTED] " "#2,my favorite position [REDACTED]

[REDACTED]

[REDACTED] " "# 3 [REDACTED]

[REDACTED] " "#4. [REDACTED]

[REDACTED]

[REDACTED]” “also [REDACTED]” An adult performing any of these acts with a 13-year-old would be in violation of Virginia laws, including VA. CODE §§ 18.2-26, 18.2-27, 18.2-63, and 18.2-370.

14. On or about November 16, 2009 NABATKHORIAN also stated “[REDACTED]

[REDACTED]

[REDACTED]” NABATKHORIAN also stated that “moderation is the key to happiness i teach you how to drink alcohol moderately ets..except sex the more we do the more u wani it.” NABATKHORIAN explained “we do it 6 months from now withpainless techniques.”

15. On or about November 16, 2009, NABATKHORIAN stated that he wished to purchase a present for the victim at Victoria’s Secret and requested the victim’s bra and panty sizes and favorite colors. On or about November 17, 2009, NABATKHORIAN stated that he had purchased special condoms for their meeting “to feel like body skin.”

NABATKHORIAN again requested the victim’s bra and panty sizes and favorite colors.

16. On or about November 17, 2009, NABATKHORIAN purchased perfume and “lamb-skin” condoms. On or about November 17, 2009, NABATKHORIAN purchased several bras and thong-style panties for the victim at Victoria’s Secret in the Pentagon City Mall. While at the store NABATKHORIAN sent a text message to the 13-year-old victim’s phone to verify the girl’s bra size as he was looking at the wrong bra size.

17. On or about November 17, 2009, NABATKHORIAN was arrested at approximately 1:00 p.m. at the proposed meeting place at the shopping center two blocks from the victim’s

house in Fairfax, Virginia. The bras and panties from Victoria's Secret, the perfume, and the condoms were found in NABATKHORIAN's car.

18. NABTKHORIAN admits that his actions, as recounted herein, were in all respects intentional, knowing, and deliberate, reflecting an intention to attempt to persuade, induce, entice, and coerce a 13-year old minor girl to cross state lines in order to engage in criminal sexual activity; NABATKHORIAN's intention was to do something the law forbids, and NABATKHORIAN's actions were not in any way the product of any accident or mistake of law or fact.

Respectfully submitted,

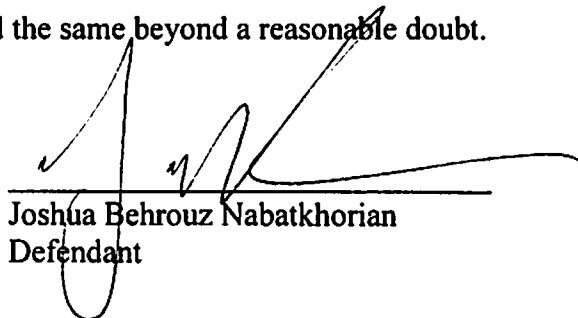
Neil H. MacBride
United States Attorney

By:



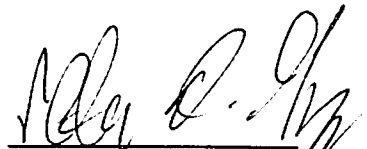
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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, Joshua Behrouz Nabatkhorian and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



Joshua Behrouz Nabatkhorian
Defendant

I am Joshua Behrouz Nabatkhorian's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Peter Greenspun, Esquire
Counsel for Joshua Behrouz Nabatkhorian